

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

March 13, 2009

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF :05od-220

Oahu

Amend Prior Board Action dated February 25, 1966, Item F-13, April 12, 1991, Item F-4, and October 28, 2005, Item D-19; Direct Perpetual Non-Exclusive Easement for Electrical Transmission Line, Pole and Anchor at Waianae, Oahu; Tax Map Key (1) 8-5-06: portions of 01 and 04 and 6-7-03: portions of 18 and 25.

BACKGROUND:

On February 25, 1966, item F-13, the Board approved the issuance of a perpetual easement to Hawaiian Electric Company, Inc. (HECO) for an overhead pole line to Mt. Kaala. On April 12, 1991, item F-4, the Board approved the issuance of a perpetual easement to HECO for the Waianae Wells project. The Waianae Wells project was a relocation of a portion of the Mt. Kaala line covered by the 1966 Board action. The mapping and alignment issues delayed the preparation of the document. On October 28, 2005, item D-19, the Board approved another change of the easement area and added Hawaiian Telcom as the co-grantee of the easement.

During the document preparation stage, the Department of the Attorney General (AG) raised their concern about the character of use approved in the 1991 approval which does not cover the phone lines to be utilized by Hawaiian Telcom.

In view of the AG's comment, staff is asking the Board amend its prior actions by revising the character of use to include the telecommunication line. Upon approval, staff will work with AG to finalize this request.

RECOMMENDATION

That the Board amend its prior action of February 25, 1966, Item F-13, April 12, 1991, Item F-4, and October 28, 2005, Item D-19, by replacing the Character of Use as follows:

- A. "Right, privilege, and authority to construct, use, maintain, repair, replace and remove telecommunication and electrical transmission lines, poles, guy wires and anchors, including the right to trim and keep trimmed any trees in the way of its appliances and equipment."
- B. Review and approval by the Department of the Attorney General; and

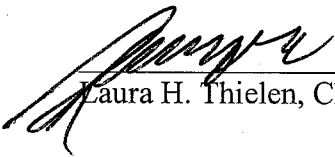
- C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



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Timothy Chee  
Land Agent

APPROVED FOR SUBMITTAL:



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Laura H. Thielen, Chairperson

